

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: October 28, 2009

CALLED TO ORDER: 5:34 p.m.

ADJOURNED: 5:57 p.m.

ATTENDANCE

Attending Members

Ryan Vaughn, Chair
Vernon Brown
Bob Cockrum
Mary Moriarty Adams
William Oliver
Christine Scales

Absent Members

Benjamin Hunter
Marilyn Pfisterer

AGENDA

PROPOSAL NO. 384, 2009 - approves an appropriation of \$38,381 in the 2009 Budget of the Marion County Community Corrections Agency (Federal Grants Fund) to pay for three staff positions and related supplies, equipment and contractual services for a Technical Rules Violation program, financed by American Recovery and Reinvestment Act (ARRA) federal justice assistance grant funds awarded by the Indiana Criminal Justice Institute
"Do Pass" Vote: 6-0

PROPOSAL NO. 385, 2009 - approves an appropriation of \$34,100 in the 2009 Budget of the Marion County Coroner (Federal Grants Fund) to fund partial salaries of two Deputy Coroner positions, the purchase of a scanner, digital cameras and autopsy tools, and transcription services
"Do Pass" Vote: 6-0

PROPOSAL NO. 386, 2009 - approves an appropriation of \$92,485 in the 2009 Budget of the Marion County Sheriff (Medical Care for Inmates Fund) to pay for prescription drugs used in treating inmates, financed by revenues collected from health care and prescription drug co-payments by inmates
"Do Pass" Vote: 6-0

PROPOSAL NO. 387, 2009 - confirms the approval of the restatement of the Marion County Sheriff's Department Personnel Benefit Plan to reflect the consolidation of the county police force of the Marion County Sheriff's Department and the Indianapolis Police Department into the Indianapolis Metropolitan Police Department
"Do Pass" Vote: 6-0

PROPOSAL NO. 388, 2009 - amends the Code to make technical corrections to the description of the fire special service district to reflect the consolidation of certain township fire departments into the Indianapolis Fire Department
“Do Pass”

Vote: 6-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, October 28, 2009. Chair Ryan Vaughn called the meeting to order at 5:34 p.m. with the following members present: Bob Cockrum, Mary Moriarty Adams, William Oliver, and Christine Scales. Vernon Brown arrived shortly thereafter. Absent were Benjamin Hunter and Marilyn Pfisterer. Representing Council staff was Robert Elrod, General Counsel.

Chair Vaughn said that the agenda will be taken out of order because the Marion County Sheriff's Department (MCSD) has a later obligation.

PROPOSAL NO. 386, 2009 - approves an appropriation of \$92,485 in the 2009 Budget of the Marion County Sheriff (Medical Care for Inmates Fund) to pay for prescription drugs used in treating inmates, financed by revenues collected from health care and prescription drug co-payments by inmates

Doug King, Chief Financial Officer (CFO), MCSD, introduced Michael Bender, Legal Counsel for the MCSD Pension Fund.

Chair Vaughn asked if the \$92, 000 is coming from Marion County tax dollars. Mr. King answered in the negative, and stated it comes from inmate co-pays. Chair Vaughn asked Mr. King to give further detail of the fund. Mr. King said when an inmate receives medical care or prescription drugs while incarcerated, he is charged a \$15 co-pay if the funds are available in his account. That \$15 goes into the MCSD's Medical Care for Inmates Fund.

[Clerk's note: Councillor Brown arrived at 5:37 p.m.]

Councillor Scales asked if the charges are from Corrections Corporation of America (CCA). Mr. King answered in the negative. Councillor Scales asked what happens if an inmate does not have the means to pay the co-pay. Mr. King answered that if an inmate is indigent, they are not charged the fee. Councillor Scales asked what happens if an inmate requires chronic care. Mr. King said that the fee is only charged one time for each occurrence. However, if the inmate leaves the system and then returns and has to be sent to the hospital, that inmate may be charged again.

Councillor Scales asked how much money is currently in the fund. Mr. King answered that the appropriation is 100% of what is in the account.

Councillor Moriarty Adams moved, seconded by Councillor Brown, to forward Proposal No. 386, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 387, 2009 - confirms the approval of the restatement of the Marion County Sheriff's Department Personnel Benefit Plan to reflect the consolidation of the county police force of the Marion County Sheriff's Department and the Indianapolis Police Department into the Indianapolis Metropolitan Police Department

Mr. Bender said that he and Mr. King were previously before the Committee for consideration of three amendments to the retirement plan and the restatement of the benefit plan. He said the benefit plan is a plan that provides disability, life, and survivor benefits for either employees or beneficiaries of the plan. Mr. Bender said as he recalls, the amendments were adopted, but there was no mention of approval of restatement of the benefit plan. He said this is a resolution that indicates that the restatement of the benefit plan is in fact approved. Mr. Bender said they believe this was inadvertently left out of the previous resolution, which may have happened because one of the retirement plan amendments and the benefit plan restatement were both done to reflect the consolidation of the department. He said this change was simply a change of terminology. For example, both plans used to refer to the employer as the MCSO, but that is no longer the case. All areas except for the Sheriff were moved to the Indianapolis Metropolitan Police Department (IMPD).

Chair Vaughn asked if Mr. Bender and Mr. King are satisfied that this resolution solves the previous issue. Mr. Bender answered in the affirmative.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to forward Proposal No. 387, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 384, 2009 - approves an appropriation of \$38,381 in the 2009 Budget of the Marion County Community Corrections Agency (Federal Grants Fund) to pay for three staff positions and related supplies, equipment and contractual services for a Technical Rules Violation program, financed by American Recovery and Reinvestment Act (ARRA) federal justice assistance grant funds awarded by the Indiana Criminal Justice Institute

Steve Dyson, CFO, Marion County Community Corrections Agency (MCCCA), said that this proposal is for a grant that they recently received, and the term began October 1. He said they anticipate receiving the grant again and, therefore, included it in their 2010 budget, so that they do not have to come back before the Committee for this additional funding. Mr. Dyson said that the total amount of the grant award is \$265,546 for a two-year term. He said the requested portion for this proposal will cover October 1 thru December 31 of this year. He said they are hiring three additional staff members, two of which are case managers and one supervisor of those managers. He said the money will also help cover some office supplies, equipment, cell phones, laptop computers and wireless capabilities for those laptops.

Mr. Dyson explained that the program is a technical rules violation program. He said there has been discussion about the program for the past few months and there is data that shows that many of the people that are sent back to the Department of Corrections (DOC) after being released are not re-arrested, but are sent to DOC due to some kind of violation of their probation. Mr. Dyson said this program gives DOC and jails a small break because those violators can be sent to Duvall or work release or they can remain with their families and maintain their jobs. The hope is that the mistake can simply be corrected without the person being returned to the Department of Corrections. Mr. Dyson said they hope the program will be very successful, as at the end of the two-year period they will be requesting funding to continue the program with DOC.

Councillor Oliver said that he feels this type of program is long overdue. He asked if Mr. Dyson could give examples of some of the technical violations that would cause someone to be returned to DOC. Mr. Dyson said that he may not be the best person to answer that question, but it could possibly be any violation of probation. For example, a violation would be if someone is on home detention and does not report to work when expected or if a person fails a drug test. He said these are the types of things for which they do not want to send persons back to prison.

Councillor Brown asked if the three new positions are already filled. Mr. Dyson answered that one position is filled, but the other two positions are posted to be filled as soon as possible. Councillor Brown asked if the positions are posted with the human resources department. Mr. Dyson answered in the affirmative.

Chair Vaughn asked if there are any match requirements for the grant. Mr. Dyson answered in the negative. He added that most of the funding that will continue for the two years will be the salaries for the new positions, as they plan to spend most of the money for the equipment, supplies and computers before the end of this year to get the program started. Chair Vaughn asked what the end date of the grant is. Mr. Dyson answered that it is September 30, 2011.

Councillor Scales moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 384, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 385, 2009 - approves an appropriation of \$34,100 in the 2009 Budget of the Marion County Coroner (Federal Grants Fund) to fund partial salaries of two Deputy Coroner positions, the purchase of a scanner, digital cameras and autopsy tools, and transcription services

Alfarena Ballew, Chief Deputy Coroner, Marion County Coroner's Office, said that during their budget presentation this year, she mentioned that the Coroner's Office had applied for several grants. She said they were awarded a grant from the National Institute of Justice, which is the Paul Coverdale Forensic Science Grant. She said the award was in the amount of \$124,150. Ms. Ballew said because they had not previously had grants, they had to set up a grants fund. She said they have set up that fund, but they have to appropriate money into the fund in order to use the funds. She said this proposal is to put the requested amount into the fund to be used from October 1, 2009 until December 31, 2009. This will leave a remaining balance of \$9,100 to be used for 2010.

Ms. Ballew said they currently have part-time deputy coroners who are trained and will be going through the certification process in January. She said about \$9,000 of this funding will allow these deputy coroners additional hours to work through the office. In addition, they will be purchasing some equipment to be used in the office, including a digital scanner so that they can scan all backlog cases into a data management system; some digital cameras; autopsy tools; and additional transcriptionist services. She said the transcriptionist service will help them close out all 2009 autopsy reports by the end of 2009.

Chair Vaughn asked how many deputy coroner positions currently exist in the Coroner's Office. Ms. Ballew answered that there are currently 12 positions, five of which are full-time. The remaining are part-time, and all part-time deputy coroners work on an as-needed basis and do not receive benefits. She said they will definitely need to hire a full-time person, but that will not happen until next year.

Councillor Oliver moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 385, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 388, 2009 - amends the Code to make technical corrections to the description of the fire special service district to reflect the consolidation of certain township fire departments into the Indianapolis Fire Department

Mark Mertz, Assistant Corporation Counsel, City Legal, said that this is a technical proposal simply to amend the Code to reflect the consolidations of three township fire departments into the Indianapolis Fire Department (IFD). He said the townships that were consolidated are reflected in Section 111-3 on pages 7, 20 and 28 of the ordinance. He said it shows what territories within each of the three townships will be serviced by IFD. Mr. Mertz noted that none of the description in any of the three townships covers any territory in an excluded city. He said about four lines are being added to the Revised Code, reflected on page 41 of the proposal. He said a new Article 4 is being added in Chapter 121, with the purpose of reiterating and reflecting what the state law and fire consolidation says about the fire departments and the City's ability to impose taxes for the purpose of firefighter pensions. Mr. Mertz said that state law limits where funds for those pensions can be raised.

Chair Vaughn asked if the gist of the language affects current tax liabilities or potential future tax liabilities for the respective areas. Mr. Mertz answered in the negative.

Councillor Brown asked if this is the information that was previously sought to be put into the merit law with which Mr. Elrod was not comfortable. Mr. Mertz answered in the affirmative. Councillor Brown asked if this new proposal takes care of the concerns that Mr. Elrod had. Mr. Elrod answered that the added paragraph at the end of Sec. 121 takes care of his concern. He added that the consolidation of the departments will do away with the special service districts. However, the law states that if there were ever property taxes to be levied to pay the Pre-1977 pensions, they would have to be levied in the old fire service district, because those pensions are a city liability. He said these pensions were prior to the State taking over payment of pensions. Councillor Brown asked if that means that no property taxes from the townships of Washington, Warren and Perry would be used for that purpose. Mr. Elrod answered in the affirmative, and stated that it also includes any other townships that may later be consolidated into IFD. He said there are no Pre-1977 pensions in any township, as all townships that had paid firefighters came in after 1977. Councillor Brown asked if this document will have to be revised every time IFD consolidates with another township. Mr. Mertz answered in the affirmative.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to forward Proposal No. 388, 2009 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 6-0.

Councillor Brown asked if there has been any public discussion on the results of the crime prevention process for last year. Chair Vaughn said that there was an update before the Committee a few months ago, but it was still in the review process. He said that he will check to see if they are ready to give a report.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 5:57 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'RV' followed by a stylized flourish.

Ryan Vaughn, Chair
Public Safety and Criminal Justice Committee

RV/nsm